



Attorney Docket No. 29914-703.201

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application:

Inventors: David Stinson, *et al.*

Application No.: 10/615,417

Filed: July 8, 2003

Title: **PROSTHESES, TOOLS AND METHODS  
FOR REPLACEMENT OF NATURAL FACET  
JOINTS WITH ARTIFICIAL FACET JOINT  
SURFACES**

Confirmation No.: 7968

Examiner: Michael J. Araj

Group Art Unit: 3733

Customer No. 021971

FILED BY EXPRESS MAIL ON: December 6, 2005  
EXPRESS MAIL LABEL NO.: EV 334 637 015 US

**REQUEST FOR CONSIDERATION OF  
PREVIOUSLY FILED SUPPLEMENTAL  
INFORMATION DISCLOSURE STATEMENT**

M/S ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

Dear Sir:

Applicants filed a Supplemental Information Disclosure Statement along with a PTO/SB/08A and the fee required on August 22, 2005. The Supplemental Information Disclosure Statement was received on August 24, 2005.

Applicants received a Notice of Allowance dated November 18, 2005. The Notice of Allowance did not include a copy of the signed off SB/08a that accompanied the Supplemental Information Disclosure Statement. Applicants' representative reviewed PAIR and noted that a copy of the initialed SB/08a is *not* in the electronic file maintained by the PTO.

Accordingly, Applicants request that the Examiner initial and return a copy of the SB/08a form from the August 2005 Supplemental Information Disclosure Statement in accordance with MPEP § 609.

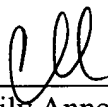
Appln. No.: 10/615,417  
Filed on: July 8, 2003

**CONCLUSION**

The Commissioner is authorized to charge any additional fees which may be required, including petition fees and extension of time fees, to Deposit Account No. **23-2415** (Docket No. 29914-703.201).

Respectfully submitted,

Date: 10 Dec 2003

By   
Cecily Anne O'Regan, Reg. No. 37,448

WILSON SONSINI GOODRICH & ROSATI  
650 Page Mill Road  
Palo Alto, CA 94304  
Direct Dial: (650) 849-3207  
Reception: (650) 493-9300  
Fax: (650) 493-6811

Customer No. 021971



Attorney Docket No. 29914-703.201  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: David STINSON, et al.

Group Art Unit: 3733

Serial Number: 10/615,417

Examiner: Michael J. Araj

Filing Date: July 8, 2003

**CONFIRMATION NO: 7968**

Title: PROSTHESES, TOOLS AND METHODS  
FOR REPLACEMENT OF NATURAL  
FACET JOINTS WITH ARTIFICIAL FACET  
JOINT SURFACES

**FILED BY EXPRESS MAIL ON: December 6, 2005**

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Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. §1.97**

Sir:

Applicants hereby submit an Information Disclosure Statement along with attached form(s) PTO/SB/08. A copy of each listed publication is being submitted, if required, pursuant to 37 C.F.R. §§1.97-1.98, as indicated below.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. Applicants further request that the Examiner initial and return the attached form(s) PTO/SB/08 in accordance with MPEP §609.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, prior art or material to patentability as defined in §1.56.

12/09/2005 MAHME1 00000037 232415 10615417  
01 FC:1806 180.00 DA

☐ 37 CFR §1.97(b). This Information Disclosure Statement should be considered by the Office because:

- ☐ (1) It is being filed within 3 months of the application filing date of a national application and is other than a continued prosecution application under §1.53(d);  
-- OR --
- ☐ (2) It is being filed within 3 months of entry of a national stage as set forth in §1.491 in an international application;  
-- OR --
- ☐ (3) It is being filed before the mailing date of the first Office Action on the merits;  
-- OR --
- ☐ (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under §1.114.

☐ 37 CFR §1.97(c). Although this Information Disclosure Statement is being filed after the period specified in 37 CFR §1.97(b), above, it is filed before the mailing date of the earlier of (1) a final office action under §1.113, (2) a notice of allowance under §1.311, or (3) an action that otherwise closes prosecution on the merits, this Information Disclosure Statement should be considered because it is accompanied by one of:

- ☐ a certification as specified in §1.97(e) provided concurrently herewith;  
-- OR --
- ☐ a fee of \$180.00 as set forth in §1.17(p) authorized below, enclosed, or included with the payment of other papers filed together with this statement.

☒ 37 CFR §1.97(d). Although this Information Disclosure Statement is being filed after the mailing date of the earlier of (1) a final office action under §1.113 or (2) a notice of allowance under §1.311, it is being filed before payment of the issue fee and should be considered because it is accompanied by:

- A. a certification as specified in §1.97(e); and
- B. a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this Statement.

☒ 37 CFR §1.97(e). A certification signed by an Attorney of Record is provided herewith as required under 37 CFR §§1.97(b) and (c).

☒ 37 CFR §1.98(a)(2). The content of the Information Disclosure Statement is as follows:

- ☐ Copies of each of the references listed on the attached Form PTO/SB/08A are enclosed herewith.  
-- OR --
- ☒ Copies of U.S. Patent Documents (issued patents and patent publications) listed on the attached Form PTO/SB/08A are NOT enclosed.  
-- AND/OR --
- ☒ Copies of Foreign Patent Documents and/or Non Patent Literature Documents listed on the attached Forms PTO/SB/08A-B are enclosed in accordance with 37 CFR §1.98(a)(2).  
-- AND/OR --
- ☐ Copies of pending unpublished U.S. patent applications are enclosed in accordance with 37 CFR §1.98(a)(2)(iii).

- ☐ 37 CFR §1.98(a)(3). The Information Disclosure Statement includes non-English patents and/or references.
- ☐ Pursuant to 37 CFR §1.98(a)(3)(i), a concise explanation of the relevance of each patent, publication or other information provided that is not in English is provided herewith.
- ☐ Pursuant to 37 CFR §1.98(a)(3)(ii), a copy of a translation of the non-English language reference(s) is provided herewith
- ☐ Attached are copies of search report(s) from corresponding patent application(s), submitted in accordance with MPEP 609 D in support of the attached certification under 37 CFR §1.97(e)(1).
- ☒ *Fee Authorization.* The Commissioner is hereby authorized to charge the above-referenced fees of \$180.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 23-2415 (Docket No. 29914-703.201).

Respectfully submitted,

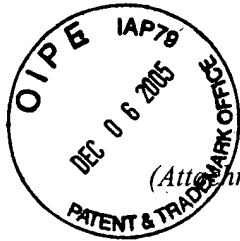
WILSON SONSINI GOODRICH & ROSATI

Dated: December 6, 2005

By: 

Cecily Anne O'Regan, Reg. No. 37,448

650 Page Mill Road  
Palo Alto, CA 94304-1050  
(650) 493-9300  
Customer No. 021971



## CERTIFICATION

(Attachment to Information Disclosure Statement)

- ☐ 37 C.F.R. § 1.97(e)(1). APPLICANT'S UNDERSIGNED ATTORNEY HEREBY CERTIFIES THAT each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or
- ☒ 37 C.F.R. § 1.97(e)(2). APPLICANT'S UNDERSIGNED ATTORNEY HEREBY CERTIFIES THAT no item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this certification after making reasonable inquiry, no item was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.

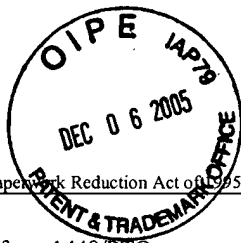
Respectfully submitted,

Dated: December 6, 2005

By: 

Cecily Anne O'Regan, Reg. No. 37,448

650 Page Mill Road  
Palo Alto, CA 94304-1050  
(650) 565-3856  
Customer No. 021971



PTO/SB/08A (07-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the paperwork Reduction Act of 1995, no persons required to respond to a collection of information unless it contains a valid OMB control number.

<b>Substitute for form 1449/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(Use as many sheets as necessary)</i>				<b>Complete if Known</b>	
				Application Number	10/615,417
				Filing Date	July 8, 2003
				First Named Inventor	David Stinson
				Art Unit	3733
				Examiner Name	Michael J. Araj
Sheet	1	of	2	Attorney Docket Number	29914-703.201

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
	1.	US 2003/0191532 A1	10-09-2003	Goble et al.	
	2.	US 2003/0204259 A1	10-30-2003	Goble et al.	
	3.	US 2005/0177240	08-11-2005	Blain	
	4.	US 4,955,916	09-11-1990	Carignan et al.	
	5.	US 5,587,695	12-24-1996	Warmerdam	
	6.	US 5,658,338	08-19-1997	Tullos et al.	
	7.	US 5,827,289	10-27-1998	Reiley et al.	
	8.	US 5,866,113	02-02-1999	Hoensbroek et al.	
	9.	US 5,947,893	09-07-1999	Agrawal et al.	

**FOREIGN PATENT DOCUMENTS**

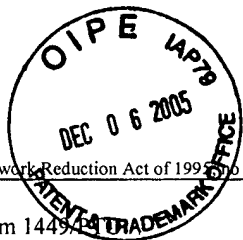
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)				
	10.	WO 02/00270 A1	01-03-2002	Victrex Manufacturing Ltd.		
	11.	WO 02/00275 A1	01-03-2002	Victrex Manufacturing Ltd.		
	12.	WO 02/02158 A1	01-10-2002	Victrex Manufacturing Ltd.		

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

*If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.*



PTO/SB/08B (07-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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				First Named Inventor	David Stinson	
				Art Unit	3733	
				Examiner Name	Michael J. Araj	
Sheet	2	of	2	Attorney Docket Number		29914-703.201

<b>NON PATENT LITERATURE DOCUMENTS</b>			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	13.	SZPALSKI, M., et al. Spine Arthroplasty: A Historical Review. <i>Eur Spine J.</i> 2002; 11(Suppl. 2): S65-S84.	
	14.	UCR Pedicle Screw System from SeaSpine (information available at <a href="http://www.seaspine.com/UCR_Pedicle_Screw_System.html">http://www.seaspine.com/UCR_Pedicle_Screw_System.html</a> ). Accessed December 5, 2005.	
	15.	Victrix of Lancashire, Great Britain. (information on Victrix available at <a href="http://www.matweb.com">http://www.matweb.com</a> ). Accessed December 5, 2005.	

Examiner signature		Date Considered	
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